



Ninety-Seventh Legislature - Second Special Session - 2002
Committee Statement
LB 14

Hearing Date: August 2, 2002

Committee On: Education

Introducer(s): (Wehrbein)

Title: Provide for interim education schools

Roll Call Vote – Final Committee Action:

Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

Vote Results:

7	Yes	Senators Brashear, Coordsen, Maxwell, Price, Raikes, Stuhr, Suttle
0	No	
0	Present, not voting	
1	Absent	Senator Schrock

Proponents:

Senator Roger Wehrbein
Christine Peterson
Chris Hanus

Representing:

Introducer
Department of Health and Human Services
Department of Health and Human Services

Opponents:

Walter Radcliffe
Dan Daly
Judy Rasmussen
Jeff Golden
Robert P. Sheehan
Roger Keetle
Written:
Pat Connell, President

Representing:

Father Flanagan's Boys and Girls Town
Father Flanagan's Boys and Girls Town
Father Flanagan's Boys and Girls Town
Children and Family Coalition of Nebraska
Boys and Girls Home of Nebraska
Nebraska Hospital Association

Nebraska Association of Behavioral Health Organizations

Neutral:

Marilyn Peterson

Representing:

Nebraska Department of Education

Summary of purpose and/or changes:

Legislative Bill 14 would require the State Board of Education to authorize interim education schools to be located in institutions, emergency shelters, and county detention homes. The

measure would also authorize the Department of Health and Human Services to set an interim education school reimbursement rate and apply that rate to reimbursements for state wards in institutions with either approved schools or interim education schools. Currently, the mechanism for determining the reimbursement rate is not clear in statute and institutions are required to maintain an approved special education program for reimbursement.

Definitions

Section 79-101 would be amended by adding definitions for institution, treatment, county detention home, foster family home, ward of the state, ward of the court, approved school with a residential program, interim education school, and approved interim education school rate.

Institution would mean a residential setting which operates an interim education school and which is operated by a service provider certified or licensed by H.H.S. or enrolled in the medical assistance program established under the federal Social Security Act.

Treatment would mean the specific placement of a child for reasons of safety of self or others.

County detention home would mean a detention home established pursuant to § 43-2,110.

Foster family home would mean a foster family home as defined in § 71-1902.

Ward of the state would means a child:

1. Placed by a Nebraska court in the temporary custody of H.H.S. or the Office of Juvenile Services pursuant to §§ 43-250, 43-254, 43-284, or 43-286;
2. Placed with the department or office for evaluation pursuant to §§ 43-281 or 43-413; or
3. Relinquished to the department pursuant to § 43-106.01;

Ward of the court would mean a child under the supervision of a Nebraska court;

Approved school with a residential program would mean an approved school which operates in or contracts with an institution.

Interim education school means an education program established under section 1 of this act and located in an institution.

Approved interim education school rate would mean the payment rate for an interim education school approved by the Department of Education and H.H.S.

Interim Education Schools

The State Board of Education would be required to adopt rules and regulations for the approval of interim education schools. Interim education schools would be located in institutions, Legislative Bill 14 would require the State Board of Education to authorize interim education schools to be located in institutions, emergency shelters, and county detention homes. The measure would also authorize the Department of Health and Human Services to set an interim education school reimbursement rate and apply that rate to reimbursements for state wards in

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Interim Education Schools

The State Board of Education would be required to adopt rules and regulations for the approval of interim education schools. Interim education schools would be located in institutions, emergency shelters, and county detention homes. The rules and regulations would include, but not be limited to, requirements regarding:

1. School terms;
2. Teacher certification;
3. Curriculum designed to meet or exceed academic standards;
4. Curriculum designed to earn academic credit in resident school districts;

5. Mathematics, reading, science, and social studies instruction;
6. Authorization to develop an individualized education plan for any special education student, in consultation with the resident school district, to be applicable during attendance at the interim education school;
7. Duties and qualifications for designated liaisons to coordinate the students' education with their resident school districts; and
8. Monitoring of interim education by the board.

Reimbursement Rates

The Department of Health and Human Services (H.H.S.), in consultation with the Department of Education, would be required to establish reimbursement rates for the educational services provided to state wards and wards of the court through interim education schools. The rates would be based on reasonable salary, materials, and curriculum costs incurred by providers as determined by the departments. Initial rates would be established prior to September 1, 2002, and the maximum initial rates would be the rates paid for the period September 1, 2001, to August 31, 2002. By December 31, 2002, rates would be established pursuant to the rate-setting mechanism established by H.H.S. Rates would be reviewed and modified annually before July 1st. The Department of Health and Human Services would be allowed, but not required, to adopt rules and regulations, except that the rate-setting mechanism would be established in H.H.S. rules and regulations.

School districts would be required to maintain membership status for wards of the state and wards of the court who are placed for treatment in an institution, an emergency shelter, or a county detention home. School districts would also be required to appoint a liaison to coordinate the student's education with the institution, shelter, or home and to award academic credit hours earned at an interim education school.

Interim education schools would not issue diplomas, but would be required to work with each student's accredited or approved school, including the Independent Study High School, to secure diplomas for students who have satisfactorily completed sufficient credits to meet the requirements of the school district which maintains membership status for the student.

Students would not be authorized to attend an interim education school unless the student was unable to attend public school due to health or safety issues that are present while the student placed for treatment in an institution, emergency shelter, or county detention home.

Reimbursement Policies for State Wards

Section 79-215 would be amended by replacing the existing provisions regarding reimbursement for the education of state wards. Currently, H.H.S. is required to reimburse non-resident school districts and institutions that maintain special education programs approved by the Department of Education for the cost of educating state wards. There is not a current definition of institution that would exclude emergency shelters or county detention homes. The Department of Health and Human Services also does not currently reimburse non-resident school districts if the state ward has been placed in a foster family home.

The new provisions would require H.H.S. to reimburse for the education of state wards in non-resident school districts, except when the state ward has been placed in a foster family home, youth rehabilitation and treatment center operated by the State of Nebraska, or is residing in his or her parent's home. For this purpose a state ward is considered a resident of the district in which he or she resided at the time he or she became a ward. Reimbursement would also be required for state wards in county detention homes, residential institutions that operate an approved school, and residential institutions if the state ward is attending the institution's interim education school for reasons of treatment or safety of self or others. All of the reimbursements are based on the interim education school rate, except for reimbursements to school districts.

Technical Provisions

Clarification would also be provided in § 79-215 regarding the Department of Education's authority to adopt and promulgate rules and regulations since references to the Department of Health and Human Services would be added to the section.

This measure contains an emergency clause.

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Explanation of amendments, if any:

